

REMARKS

In the Office Action dated December 3, 2003, claims 49-76 were rejected under 35 U.S.C. §112, first paragraph, as being based on a disclosure which is not enabling. In the referenced Office Action, the Examiner stated that "Applicant's specification lacks the proper teachings that is critical or essential to the practice of the invention, but not included in the claim(s) is not enabled by the disclosure [sic]." It is Applicant's position that claims 49-76 were fully enabled by the specification. However, for the purpose of prosecutorial expediency, Applicants have nonetheless amended claims 49-76. Applicant submits that such amendments are not intended to narrow applicant's claimed invention. Rather, these amendments have only been made to further particularize Applicant's claims to increase claim readability, to improve grammar, and to reduce the time and effort required of those in the art to clearly understand the scope of the claim language. More specifically, Applicant has amended the claims to recite a first and second data buffer to store digital encoded audio data and related metadata, respectively.

Applicant submits no new matter has been added. Moreover, Applicant draws Examiner's attention to at least column 3, lines 50-57; column 23, lines 3-67; and column 24, lines 1-8 of Applicant's specification illustrating support for Applicant's amendments as well as additional distinguishing features.

Applicant submits that pending claims 49-85 are distinguishable over the cited prior art such as, but not necessary limited to, US patent application no. 5,822,537 issued to Katseff and US patent application no. 5,132,992 issued to Yurt. In particular, Applicant submits that at the very least the cited prior art does not teach a client (e.g. receiving) device having first and second data buffers to store digital encoded audio data and related metadata, respectively.

In light of the above amendments and remarks, and based upon Examiner's comments during Applicant's telephone conference, Applicant believes claims 49-85 are in condition for allowance. Accordingly, reconsideration and withdrawal of the outstanding rejections is respectfully requested.

If the Examiner has any questions, which may be answered by telephone, he is invited to call the undersigned directly.

Respectfully submitted,

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